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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of)
)
Amendment of the)
Commission's Rules)
Concerning Maritime)
Communications)

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PR Docket No. 92-257
RM-7956, 8031, 8352
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: The Commission

COMMENTS OF UTC

Pursuant to Section 1.415 of the Commission's Rules, UTC, The Telecommunications Association (UTC) hereby submits its Comments on the Federal Communications Commission's (Commission) *Second Further Notice of Proposed Rule Making (SFNPRM)*.¹ UTC opposes the Commission's proposals in the *SFNPRM* to license VHF public coast spectrum in broad geographic regions based on United States Coast Guard Districts; instead, UTC recommends that this spectrum be licensed in geographic areas that are tailored to meet the reasonable needs of users near navigable waterways. UTC also recommends that incumbent Industrial/Land Transportation (I/LT) licensees be afforded protection from interference from new licensees based on the established rules for this band.

¹ *Second Further Notice of Proposed Rule Making*, PR Docket No. 92-257 (released June 26, 1997). The deadline for filing comments was extended by the Commission in its *Order Extending Comment and Reply Comment Period*, DA 97-1806, PR Docket No. 92-257 (released August 21, 1997).

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I. Introduction

UTC is the national representative on communications matters for the nation's electric, gas, water and steam utilities, and natural gas pipelines; UTC also represents other organizations that use communications to support essential public service obligations. UTC's members range in size from large combination electric-gas-water utilities that serve millions of customers, to smaller, rural electric cooperatives and water districts that serve only a few thousand customers each. Serving on UTC's Board of Directors are representatives from the following associations:

- American Gas Association
- American Public Power Association
- American Water Works Association
- Association of Edison Illuminating Companies
- Edison Electric Institute
- Interstate Natural Gas Association of America
- National Rural Electric Cooperative Association

All utilities and pipelines depend upon reliable and secure communications to assist them in carrying out their obligations to provide service to the public. Many of UTC's members are I/LT licensees that operate or are eligible to operate systems on the VHF spectrum at issue in this proceeding. Therefore, UTC is pleased to have the opportunity to submit these comments.

II. Geographic Areas Should Be Tailored to Meet the Reasonable Needs of Users Near Navigable Waterways

Currently, VHF public coast stations are licensed on a site-specific service area basis that avoids mutual exclusivity through the frequency coordination process. In the *SFNPRM*, the Commission proposes to change the licensing scheme for these channels to provide for geographic area licenses. The Commission proposes to "divide the nation's coastline into nine

regions, based on U.S. Coast Guard Districts.”² According to the Commission, the proposed licensing scheme will speed assignment of the remaining channels, reduce processing burdens and facilitate the development of automated coastal systems.³

UTC opposes the Commission’s proposal to use USCG Districts as the basis for the geographic licensing areas for VHF public coast stations. These districts are far too broad to be considered an attempt to “divide the nation’s coastline.” Instead, these overly broad licensing areas encompass the entire United States, including areas that are not adjacent to or near navigable waterways.

The proposed rules would also frustrate the goals established by the Commission just a short time ago in this docket. In proposing rules to permit the sharing of public coast frequencies in land-locked areas by I/LT eligibles, the Commission noted that the proposed sharing could increase spectrum efficiency and alleviate congestion in the I/LT services.⁴ With these goals in mind, the Commission adopted rules to permit the sharing of these channels by I/LT eligibles, noting in its 1995 *First Report and Order* in this proceeding that these rules would promote the rapid development of new services and increase spectrum efficiency.⁵

UTC recommends that the Commission adopt a geographic licensing scheme that is tailored to meet the reasonable needs of maritime users near navigable waterways. UTC urges the Commission to adopt smaller licensing areas, such as Basic Trading Areas⁶ or Basic Economic Areas, and to limit the use of geographic licensing to those areas near navigable waterways. For

² *SFNPRM* at para. 78.

³ *SFNPRM* at para. 77.

⁴ *Notice of Proposed Rulemaking and Notice of Inquiry*, PR Docket No. 92-257, 7 FCC Rcd. 7863 (1992).

⁵ *First Report and Order*, PR Docket No. 92-257, 10 FCC Rcd. 8419 (1995).

⁶ These areas are defined by Rand McNally.

areas outside of navigable waterways, site licensing should be retained and I/LT sharing of these channels should be encouraged.

Smaller geographic areas will allow the Commission to satisfying its goals of speeding license assignment, reducing administrative burdens and facilitating the deployment of maritime systems. Maritime licensees will benefit from the smaller license areas by not having to participate in auctions for geographic territories that far exceed their operating areas. Furthermore, because the use of smaller geographic licensing areas would permit the continued availability of public coast channels by I/LT eligibles, spectrum efficiency would be increased and the frequency congestion in the I/LT services alleviated.

UTC urges the Commission to lift the freeze on applications filed pursuant to Section 90.283 for the interservice sharing of maritime channels by I/LT eligibles. Under the Commission's existing rules, I/LT systems on these channels must be sufficiently separated from navigable waterways and comply with established interference standards. These systems, therefore, pose not threat to existing or future maritime operations, nor do they interfere with the proposed geographic licensing proposals.

II. Established Interference Standards Should Be Applied to Protect Incumbent Operations

As part of its investigation of geographic licensing on the VHF public coast stations, the Commission seeks comment on what interference protection should be afforded to incumbent operations. For the purposes of this determination, the FCC tentatively concludes that private land mobile systems operating on public coast frequencies should be treated as incumbents, acknowledging that continued private land mobile operations will not "present a barrier to the

development of coastal systems.”⁷

UTC supports the Commission’s acknowledgement that private land mobile operations should be treated as incumbents and afforded protection from new geographic licensees. UTC recommends that the existing interference standards apply to future licensing on VHF public coast frequencies. Under established Commission rules, I/LT licensees operating on public coast frequencies are licensed in accordance with the rules of their individual services. I/LT licensees operating on maritime channels should be afforded the same level of protection from future maritime operations as they are from current and future I/LT operations on these bands.

Conclusion


UTC opposes the Commission’s proposals to license VHF public coast spectrum in broad geographic regions based on United States Coast Guard Districts and recommends that this spectrum be licensed in geographic areas that are tailored to meet the reasonable needs of users near navigable waterways. UTC also recommends that I/LT licensees be afforded protection from interference from new licensees based on the established interference rules for this band.


⁷ *SFNPRM* at para. 82.

WHEREFORE, THE PREMISES CONSIDERED, UTC, The Telecommunications Association, respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

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